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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,087	02/03/2006	Katsuyuki Baba	Q93027	4612

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

WILLIAMS, MAURICE L

ART UNIT	PAPER NUMBER
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3611

MAIL DATE	DELIVERY MODE
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08/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/567,087

Applicant(s)

BABA ET AL.

Examiner

Maurice Williams

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) 4 and 5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>02/03/06 (2)</u> | 6) <input type="checkbox"/> Other: <u>Examiner's Appendix</u> |

DETAILED ACTION

Remarks

1. Due to an internal error, applicant's priority (371) documents have not been included in the prosecution file. Examiner respectfully requests that applicant send an additional copy that can be added to the file.

Information Disclosure Statement

2. The information disclosure statement filed February 3, 2006 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.
(Missing references: JP 11-300560, JP 2003-291086, and NPL document – Morisawa).

Specification

3. The disclosure is objected to because of the following informalities:
 - a. On pg. 13, ln. 11 - 'magnetic' should be changed to 'magnet'.Appropriate correction is required.

Claim Objections

4. Claims 4 and 5 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only.

See MPEP § 608.01(n). Accordingly, the claims 4 and 5 have not been further treated on the merits.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 1-3 are rejected under 35 U.S.C. 102(a) as being anticipated by Sugahara et al., "Design of a Battery-powered Multi-purpose Bipedal Locomotor with Parallel Mechanism," *Proc. 2002 IEEE/RSJ, EPFL, Lausanne, Switzerland*, pp. 2658-2663 (October 2002). Sugahara discloses:

A linear motion link device comprising an actuator and a holding brake (Fig. 5 – DC geared Motor with Electromagnetic Brake) which holds and locks a movable portion of said actuator, and freely telescopes in a longitudinal direction of the linear motion link device by driving of said actuator (pg. 2660, § 3.2, 3rd paragraph). The holding brake holds and locks said movable portion of said actuator at a stop of said actuator (3rd paragraph).

A motor serving as the actuator (Fig. 5);

a long bar-shaped male screw shaft portion (Fig. 5 – shown at the end of motor) fixed to a rotary shaft of said motor and provided in the longitudinal direction of said linear motion link device;

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a female screw nut portion screw-engaged with said male screw shaft portion
(Fig. 5 – Screw Nut);

an inner rod portion (Fig. 5 – Lead Screw) which is fixed to the female screw nut portion and slides in the longitudinal direction of said linear motion link device by driving of said motor

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bares et al. (US 5,127,484) in view of Saisaka (JP 2000-208990).

Bares discloses:

a linear motion link device (Fig. 4) with a motor (60), which telescopes in a longitudinal direction (col. 3, ln. 6-8).

A male screw shaft (62) fixed to the rotary shaft of the motor

A female screw nut (A in Examiner's Appendix) engaged with the male screw shaft, and

An inner rod portion (48) fixed to the female screw, sliding in the longitudinal direction.

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Bares does not directly disclose a holding brake for the motor. Saisaka discloses a holding brake (**B**), which operates when the motor (**M**) is stopped. Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to modify Bares as taught by Saisaka in order to hold the leg in position when it is not being moved by the motor, while simultaneously saving electric power.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Roston (073), Cox (829), Fashbaugh (776), Lowder (588), Smith (220), and McColl (980).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maurice Williams whose telephone number is (571) 272-4263. The examiner can normally be reached on Monday - Friday, 8 a.m. - 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

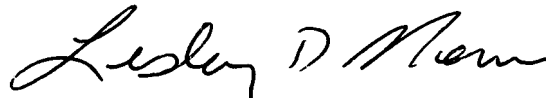
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

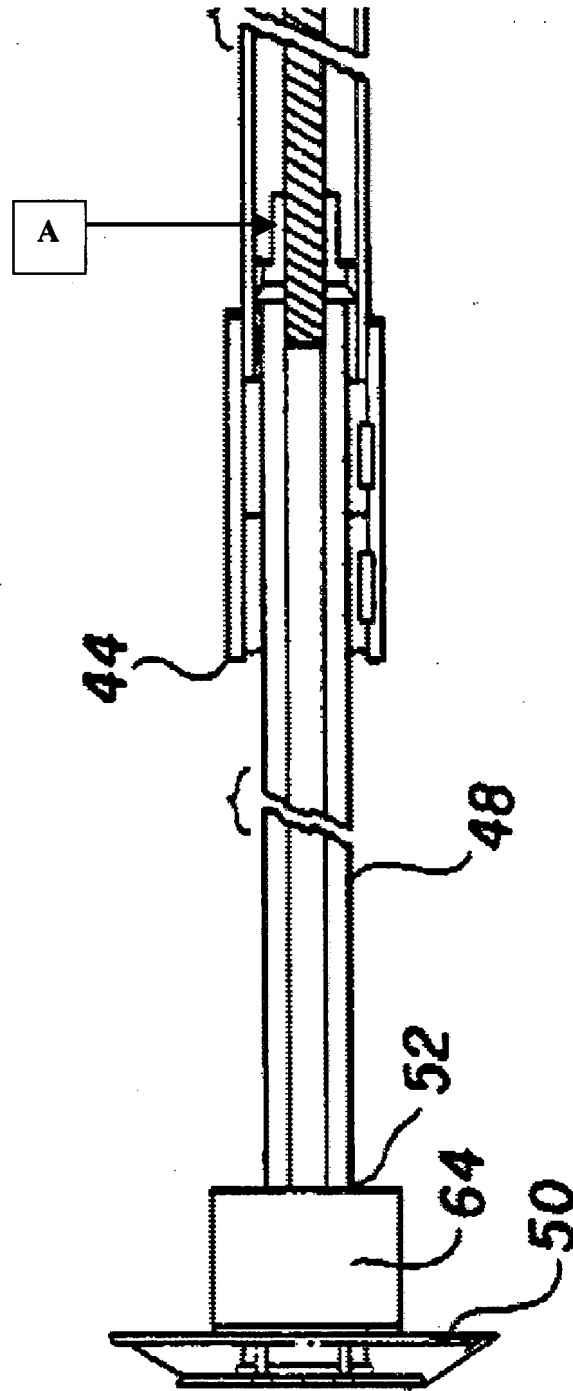


Maurice Williams
Examiner
Art Unit 3611

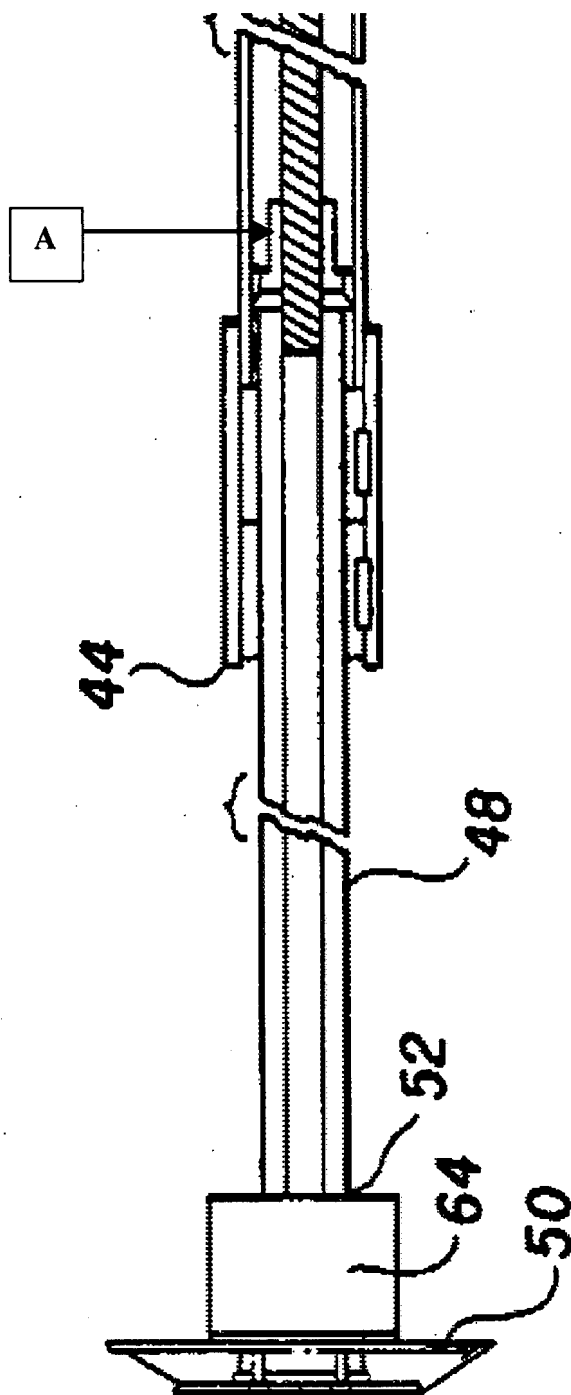
MLW
July 30, 2007



LESLEY D. MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600



Examiner's Appendix
(Bares et al. – US 5,127,484)



Examiner's Appendix
(Bares et al. – US 5,127,484)